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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/876,411	06/07/2001	Junichi Toyoda	09792909-5067	7306

33448 7590 06/16/2005

ROBERT J. DEPKE
LEWIS T. STEADMAN
Trexler, Bushnell, Glanlorgi, Blackstone & Marr
105 West Adams Street, Suite 3600
Chicago, IL 60603-6299

EXAMINER

KNOWLIN, THJUAN P

ART UNIT

PAPER NUMBER

2642

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/876,411

Applicant(s)

TOYODA ET AL.

Examiner

Thjuan P. Knowlin

Art Unit

2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on February 18, 2005 has been entered. Claims 1-16 have been amended. No claims have been cancelled. No claims have been added. Claims 1-16 are still pending in this application, with claims 1 and 3 being independent.

Claim Rejections - 35 USC § 102

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Paulick (US 5,710,987).
4. In regards to claims 1 and 2, Paulick discloses a communication apparatus (radiotelephone/pager unit 100) comprising: an antenna (Fig. 1, Fig. 2, and radiotelephone antenna 108) for transmitting and/or receiving a wireless signal (col. 2 lines 31-33), a signal processing circuit (Fig. 2 and radiotelephone transceiver circuitry 224) for processing a signal corresponding to a wireless signal received by the antenna (col. 3 lines 4-19), a conductive case (Fig. 2, front housing 102, and shielded portion 204) for surrounding and housing all or part of the signal processing circuit (see Fig. 1 and Fig. 2), and an electro-magnetic wave absorber with one surface adjacent a predetermined area of the conductive case for absorbing electro-magnetic waves in order to reduce electro-magnetic waves reaching a user of the communication

apparatus (col. 5 lines 15-21 {Claim 6} and col. 6 lines 22-26 {Claim 17}), and a conductive layer (rear housing portion 104) formed on another surface of the electro-magnetic wave absorber and electrically connected to the conductive case (col. 3 lines 20-25, col. 3 lines 38-46, col. 5 lines 15-21 {Claim 6}, and col. 6 lines 22-26 {Claim 17}).

5. In regards to claims 3, 7, 8, 9, 12, 13, 15, and 16, Paulick discloses a portable telephone comprising: an antenna for transmitting and/or receiving a wireless signal (col. 2 lines 31-33); a microphone (Fig. 1 and microphone 116) for generating a sound signal corresponding to an input sound; a circuit for generating a wireless signal corresponding to said sound signal generated by said microphone (col. 3 lines 4-19); a conductive shield case (Fig. 2, front housing 10,2 and shielded portion 204) for surrounding and housing all or part of said circuit; an electro-magnetic wave absorber with one surface in contact with a predetermined area of the shield case for absorbing electro-magnetic waves in order to reduce the amount of electro-magnetic waves reaching a user of said telephone device (col. 5 lines 15-21 {Claim 6} and col. 6 lines 22-26 {Claim 17}); and a conductive layer (rear housing portion 104) formed on another surface of the electric wave absorber and electrically connected to the conductive shield case (col. 3 lines 20-25, col. 3 lines 38-46, col. 5 lines 15-21 {Claim 6}, and col. 6 lines 22-26 {Claim 17}).

6. In regards to claims 4 and 14, Paulick discloses a portable telephone, wherein said circuit comprises: a transmitting circuit (Fig. 2 and transceiver circuitry 224) for generating a wireless signal corresponding to a sound signal from the microphone (col. 3 lines 4-19); a receiving circuit (Fig. 2 and pager receiver circuitry 218) for generating a

sound signal in response to a wireless signal received by the antenna and outputting the sound signal (col. 3 lines 4-19); a printed circuit board (Fig. 2 and printed circuit board 226) containing the transmitting circuit and the receiving circuit (see Fig. 2), and wherein the shield case (Fig. 2, front housing 102, and shielded portion 204) surrounds and houses all or part of the transmitting and receiving circuit to prevent electromagnetic interference between the transmitting and receiving circuit and the antenna (col. 3 lines 26-36, col. 5 lines 15-21 {Claim 6}, and col. 6 lines 22-26 {Claim 17}).

7. In regards to claims 5, 6, 10, and 11, Paulick discloses a portable telephone, wherein said electro-magnetic wave absorber is arranged at a surface of said shield case close to a head of a user of the portable telephone at the time of a call (see Fig. 3 and Fig. 4, col. 3 lines 38-46, col. 5 lines 15-21 {Claim 6}, and col. 6 lines 22-26 {Claim 17}).

Response to Arguments

8. Applicant's arguments filed 02/18/05 have been fully considered but they are not persuasive. Applicants argue that Paulick fails to teach or suggest the use of an electro-magnetic wave absorbing element in order to reduce the amount of electromagnetic radiation that reaches the user. Examiner respectfully disagrees with this argument. Paulick does teach and suggest the use of an electro-magnetic wave absorbing element in order to reduce the amount of electromagnetic radiation that reaches the user (See col. 5 lines 15-21 {Claim 6} and col. 6 lines 22-26 {Claim 17}).

Applicants further argue that Paulick fails to teach a conductive case for surrounding and housing all or part of the signal processing circuit. Paulick, however, does teach a conductive case (See Fig. 2, front housing 102, and shielded portion 204) for surrounding and housing all or part of the signal processing circuit (See Fig. 2 and radiotelephone transceiver circuitry 224) (See col. 3 lines 20-25 and col. 3 lines 37-48). Applicants argue that Paulick fails to teach a conductive layer formed on another surface of the electro-magnetic wave absorber and electrically connected to the conductive case. Paulick, however, does teach a conductive layer (See Fig. 1, Fig. 2, and rear housing portion 104) formed on another surface of the electro-magnetic wave absorber and electrically connected to the conductive case (See col. 3 lines 20-25, col. 3 lines 38-46, col. 5 lines 15-21 {Claim 6}, and col. 6 lines 22-26 {Claim 17}).

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
10. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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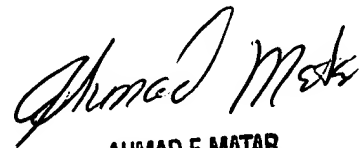
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thjuan P. Knowlin whose telephone number is (571) 272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.

12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thjuan P. Knowlin


AHMAD F. MATAR
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2700